

REMARKS

In view of the above amendments and following remarks, reconsideration of the objections and rejections contained in the Office Action of July 8, 2004 is respectfully requested.

The Examiner's indication that no specific copy of EP 545896 has been submitted is acknowledged. A copy is enclosed herewith in an Information Disclosure Statement, along with a number of additional prior art references.

Also accompanying this response are revised drawings removing reference number 36 from Figs. 4 and 5 in accordance with the requirement in section 3 on page 2 of the Office Action.

The formal matters raised in section 4 on page 3 of the Office Action have been addressed by the above amendments. Further changes have been made to the specification and abstract for the sake of grammar and readability of the application as a whole.

The Examiner's objections and rejections of the claims have been rendered moot by the cancellation of original claims 1-27. These claims have now been canceled and replaced with new claims 28-52. New independent claims 28, 41, 42, 43 and 44 correspond to original claims 1, 10, 11, 16 and 18, respectively. Further, claim 23 corresponds to new claim 49. These claims, along with their various dependent claims, have all been drafted so as to fully comply with the requirements of 35 U.S.C. §112, second paragraph. In addition, the specific issues raised by the Examiner in sections 5-7 of the Office Action have been addressed in the redrafting of the claims.

The Examiner rejected claims 1-5, 12, 14-17 and 23-27 as being clearly anticipated by Schroter. Further, claims 7 and 9 were rejected as being unpatentable over Pfadenhauer in view of Ohlenforst et al. Further, claim 8 was rejected over Pfadenhauer and Ohlenforst et al. and in further view of "obvious common knowledge." Claims 18-21, further, are rejected as being unpatentable over Schroter in view of Pfadenhauer. Further, claim 22 was rejected as being unpatentable over Schroter in view of Hill et al.

The Examiner's indication of allowable subject matter in original dependent claims 10, 11 and 13 is gratefully acknowledged. Claims 10 and 11 have now been redrafted as new independent claims 41 and 42, as noted above. As such, claims 41 and 42 should clearly be in condition for allowance

without more. However, it is respectfully submitted that the remaining claims, nonetheless, clearly distinguish over the prior art cited by the Examiner.

The present invention concerns a window for a vehicle in which it is designed to center a glazing on the mounting flange and aperture in which in the glazing is received. Noting for example Fig. 1, an elastomeric glazing profile 12 is disposed around at least part of the periphery of glazing 1 on a margin of the face of the glazing. The mounting flange 6 has an inner edge 8 defining an aperture in a vehicle body. A first face faces the glazing and a second face faces away from the glazing, noting reference numbers 18 and 19, respectively. The glazing is inserted in the aperture from outside of the vehicle body. The profile 12 has a raised portion 15-17 that is shaped and positioned to center the glazing within the aperture during insertion of the glazing in the aperture by bearing against the inner edge of the mounting flange. Note for example Fig. 3. The raised portion includes a tip portion 17 that is positioned so that, after insertion of the glazing, the tip bears against the second face 19 of the mounting flange facing away from the glazing. The glazing, further, is bonded to the mounting flange by an adhesive material 4.

Turning to independent claim 28, it is noted that the claim largely reflects the above features. The glazing is bonded to the mounting flange by an adhesive material. The profile has a raised portion that is shaped and positioned to center the glazing within the aperture during insertion of the glazing by bearing against the inner edge of the mounting flange. Further, the raised portion has a tip position so that after insertion of the glazing, the tip bears against a face of the mounting flange that faces away from the glazing.

It is noted that the Examiner initially refers to Schroter, citing a profile 10 having a seal element 11, a mounting flange 7 and adhesive 12. However, reference number 12 refers to an additional rubber seal. It is not adhesive. In fact, Schroter's whole specification is directed to adhesive-free glazing of vehicle windows, because the problem that is to be solved by Schroter is to provide a window that can be mechanically and reversibly attached to the vehicle bodywork in a simple manner. This is discussed in column 1, lines 27-33. In other words, Schroter is addressing the question of facilitating removal of automotive windows, for example for purposes of recycling,

given the pressure on vehicle manufacturers to make the vehicles less environmentally damaging, or for easy replacement in case of breakage.

It is further noted that Schroter has no disclosure of centering in the specification of Schroter.

Independent claim 28 requires that the glazing is bonded to the mounting flange by an adhesive material. This does not occur in Schroter, as mounting flange 7 is not adhesively bonded to the glazing 1. Thus, for at least this reason, claim 28 clearly patentably distinguishes over Schroter.

The various dependent claims depending from claim 28 further emphasize the distinctions of the present invention over Schroter. However, for specific discussion of these does not appear necessary at this time.

Claim 43 corresponds generally to prior claim 16, also rejected as being anticipated by Schroter. However, this claim also recites adhesive to bond the pane to a mounting flange. There is no such adhesive present in Schroter. For at least this reason, claim 43 also clearly distinguishes over Schroter.

It is further noted that claim 43 requires that the raised portion be shaped and positioned to retain the pane in a centered position while the adhesive sets.

For the above reasons, it is respectfully submitted that claim 43 clearly distinguishes over Schroter.

Claim 49 also clearly distinguishes over Schroter. This claim corresponds generally to prior claim 23, and includes the step of applying a bead of adhesive to one of the glazing and a mounting flange, which step is clearly not found in Schroter, as discussed above. Dependent claims 50-52 further distinguish over Schroter, furthermore. Thus it is submitted that claims 49-52 also clearly patentably distinguish over Schroter. Indication of such is further requested.

The Examiner also rejected claims 1 and 6 as being clearly anticipated by Pfadenhauer. The Examiner cites Fig. 4 including a profile having a raised portion with a curled lip 15 which centers a vehicle window upon installation with an adhesive 5 onto a mounting flange 2. This rejection is respectfully traversed.

Noting claim 28, it is additionally recited therein that a tip of the raised portion bears against a face of the mounting flange that faces away from the glazing after insertion. This is not the case with Pfadenhauer.

Furthermore, the Examiner's position that the profile of Pfadenhauer would center the vehicle window 3 is respectfully traversed. In claim 28, the profile is required to have a raised portion that is shaped and positioned to center the glazing within the aperture during insertion of the glazing and the aperture by bearing against an inner edge of the mounting flange. There is no such portion provided in Pfadenhauer, however. The portion 17 of Pfadenhauer is clearly not capable of providing the centering as in the present invention, and is not shaped and positioned to center the glazing during insertion. This is readily seen from the drawings.

Pfadenhauer is in fact actually directed toward the provision of an aesthetic joint between the windshield and neighboring components, such as the dashboard 4 or a roof liner 14. Thus the lip 17 of Pfadenhauer is in contact with the roof liner, and not the mounting flange, as discussed above. As such, claim 28, along with all the claims depending therefrom, clearly distinguishes over Pfadenhauer.

The Examiner further cites Ohlenforst et al. in combination with Pfadenhauer against claims 7 and 9. However, Ohlenforst et al. does not cure the above deficiencies of Pfadenhauer.

The Examiner's discussion of what is considered obvious common knowledge in section 13 on page 6 of the Office Action also does not cure the deficiencies of Pfadenhauer.

In order to reject claims 18-21, the Examiner cites the combination of Schroter and Pfadenhauer. Claim 44, which corresponds generally to prior claim 18, requires a first elastic seal tongue adapted to lie against the bodywork, this tongue protruding from an edge of the glass in a direction essentially parallel to the glass, and a second tongue protruding at a root thereof in a direction essentially perpendicular to the glass and having an end portion having the shape of a curl, such that the second tongue elastically curls over backwards upon itself towards the edge of the glass. (Note for example the embodiment of Fig. 2.)

As the Examiner acknowledges, Schroter does not disclose a seal element in the shape of a curled lip. However, the Examiner relies upon Pfadenhauer in combination to supply this feature. This position by the Examiner is respectfully traversed.

First of all, while Pfadenhauer discloses a portion 17 gradually decreasing in size, Pfadenhauer intends to adhere the glazing 3 to the mounting flange 2. However, as discussed above, in Schroter, what is desired is a mechanical connection absent the use of an adhesive. As such, one of ordinary skill in the art would not have combined Schroter with Pfadenhauer.

Further, the shape of lip 17 cited by the Examiner from Pfadenhauer is directed toward contact with roof liner 14. However, the corresponding part which serves to connect the glazing 1 to mounting flange 7 in Schroter is employed for the purposes of mechanical connection with the mounting flange. Thus, the connection not being to a roof liner 14, there is no motivation for one of ordinary skill in the art to modify the shape of the profile.

The Examiner cites the suggestion or motivation as being the improvement of the seal element's ease of installation. However, the Examiner has not cited any support for this suggestion or motivation from the reference. In fact, the shape of Pfadenhauer is directed toward improvement of the aesthetic qualities, and not the ease of installation. Thus, the Examiner's support for the combination is without basis in the cited reference.

Accordingly, one of ordinary skill in the art would not have combined these two references in the manner proposed by the Examiner to meet the limitations of claim 44.

Further, there is no disclosure or suggestion of the additional features cited in each of claims 46-48 in either reference. The Examiner applied Hill et al. with respect to claim 22. However, it is not clear that Hill et al. in fact has any applicability to the arrangement of Schroter, in particular. In any case, Hill et al. does not cure the deficiencies of Schroter and Pfadenhauer.

The Examiner has taken a number of additional positions with respect to what is obvious from the various prior art references that have not been specifically addressed above. However, this should not be taken as acquiescence to these positions. Applicants reserve all rights to argue against and traverse the various positions taken by the Examiner as necessary. However, at this point, further discussion does not seem to be warranted, in view of the above clear distinctions between the independent claims and the cited prior art. Accordingly, indication of the allowability of all of the claims now pending in the application is submitted to be in order, and is requested.

In view of the above amendments and remarks, it is submitted that the present application is now in condition for allowance, and the Examiner is requested to pass the case to issue. If the Examiner should have any comments or suggestions to help speed the prosecution of this application, the Examiner is requested to contact Applicants' undersigned representative.

Respectfully submitted,

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